



STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Janne Shaw, Consent Planner

REFERENCE: RM080605

SUBJECT: **C and B MERCER – REPORT EP08/12/01** - Report prepared for hearing of 1 December 2008

1. APPLICATION BRIEF

1.1 Proposal

The application is for land use consent to construct a second dwelling, part of which will be 8.5 metres in height. The proposed dwelling will be located near the centre of the 25 hectare site. The property currently contains a dwelling and a building used for workers accommodation, both being located in the north-western part of the property close to the Motueka Valley Highway (see photos in Appendix 3). Once the proposed dwelling has been constructed, the applicants propose to use the existing dwelling to accommodate a farm manager and the existing workers' accommodation building would be demolished.

1.2 Location and Legal Description

The property is located at 1305 Motueka Valley Highway, Ngatimoti (see Appendix 1 attached).

The legal description of the land is Lot 1 DP 12982 Certificate of Title NL7C/928.

1.3 Zoning and Consent Requirements

The land is zoned Rural 2 under the Tasman Resource Management Plan, part of the hillside is within Land Disturbance Area 2 and there are recorded archaeological sites on the property.

The application is considered to be a Discretionary Activity under the relevant rules of the Tasman Resource Management Plan in that:

- Two residential activities are proposed on the site;
- The height of the proposed dwelling is more than 7.5 metres; and
- Two dwellings are to be placed on a site that is less than 50 hectares.

2. INTRODUCTION

2.1 The Setting

The site is a mix of hill, gully and terrace scarps, flats and terraces with a stream flowing near the northern boundary of the site. Existing mature trees are on the hillside, bordering some elevated paddocks and bordering the stream. The paddocks are being used for grazing cattle and horses.

The site borders the junction of the Motueka Valley Highway and Waiwhero Road where there is a mix of lifestyle blocks, grazing land, pine plantations and small scale tourist, recreation and commercial activities.

3. NOTIFICATION AND SUBMISSIONS

Public Notification of the application was advertised on 6 September 2008.

Four submissions were received; one definitely wishing to be heard, two who may wish to be heard and one who does not want to be heard at the hearing.

1. Tiakina Te Taiao Ltd

The submitters are neutral regarding the application but note there are several archaeological sites on and very near the property. They advise the applicants to contact the NZ Historic Places Trust to establish if they need an archaeological authority. Tiakina also request an iwi monitor be employed by the applicants to monitor any earthworks.

The submitters do not wish to be heard in support of their submission.

2. New Zealand Fire Service Commission

The submitters support the application although refer to it as a subdivision as opposed to the construction of the second dwelling on the site, and request that should consent be granted a condition in respect of the NZ Fire Service Code of Practice be imposed.

This submitter reserves the right to be heard in support of their submission

3. Anthony Hume Whitaker

The submitter opposes the application on the grounds that only one dwelling should be permitted on a property of this size but that if consent is granted, subdivision should be prohibited and that the use of the original dwelling is monitored to prevent other uses occurring without resource consent being obtained.

The submitter wishes to be heard in support of his submission.

4. New Zealand Historic Places Trust

The submitter opposes the application on the grounds that an archaeological site NZAA27/19 is recorded on the property (See Appendix 1). NZHPT ask that Council request the applicant to commission a professional archaeological assessment of the site and that this report be submitted as part of a revised assessment of environmental effects. The report should identify archaeological sites in the area affected by the proposal and advise appropriate mitigation measures on known or unknown archaeological sites. The assessment will provide an indication as to whether or not an archaeological authority from the NZHPT would be required to undertake the proposed activity on the site. NZHPT will then review its position with regard to the application.

This submitter indicates that they may wish to be heard in support of their submission.

4. STATUTORY CONSIDERATIONS

4.1 Resource Management Act

Part II Matters

In considering an application for resource consent, Council must ensure that if granted, the proposal is consistent with the purpose and principles set out in Part II of the Act.

If consent is granted, the proposed two dwellings must be deemed to represent the sustainable use and development of the land resource. The critical issue of this consent is the potential effect of the establishment and use of the dwellings on the surrounding rural environment.

These principles underpin all relevant Plans and Policy Statements, which provide more specific guidance for assessing this application.

Section 104

Subject to Part II matters, Council is required to have regard to those matters set out in Section 104. Of relevance to the assessment of this application, Council must have regard to:

- Any actual and potential effects of allowing the activity to go ahead (Section 104 (1) (a));
- Any relevant objectives and policies in the Tasman Regional Policy Statement and the Proposed Tasman Resource Management Plan (Section 104 (1) (b));
- Any other relevant and reasonably necessary matter(s) to determine the consent (Section (1) (c)).

Section 104B sets out the framework for granting or declining consent based on the status of an activity as set out in the relevant Plan.

4.2 Tasman Regional Policy Statement

The Regional Policy Statement seeks to achieve the sustainable management of land and coastal environment resources. Objectives and policies of the Policy Statement clearly articulate the importance of protecting land resources from inappropriate land use and development.

Because the Tasman Resource Management Plan was developed to be consistent with the Regional Policy Statement, it is considered that an assessment under the Plan will satisfy an assessment against Policy Statement principles.

4.3 Tasman Resource Management Plan

The most relevant Objectives and Policies are contained in: Chapter 5 'Site Amenity Effects', Chapter 7 'Rural Environment Effects' and Chapter 11 'Land Transport Effects'. These chapters articulate Council's key objectives: To ensure character and amenity values are maintained or enhanced, to sustain the land and soil resource to meet the needs of future generations and to avoid the loss of land through fragmentation.

The most relevant Rules which follow from these imperatives are contained in Chapter 16.2. "Transport (Access Parking and Traffic)" and Chapter 17.5 "Rural 2 Zone Rules".

Details of the assessment of the proposed activity in terms of these matters is set out in the chapters following.

5. ASSESSMENT

In accordance with Section 104 of the Resource Management Act, Council must consider the actual and potential effects on the environment of allowing the activity, have regard for any relevant objectives, policies, rules, and consider any other matters relevant and reasonably necessary to determine the application.

5.1 Assessment of Environmental Effects

Pursuant to Section 104 (1) (a) of the Resource Management Act, the following effects assessment has been set out.

Permitted Baseline

Section 104(2) gives a consent authority the ability to disregard adverse effects on the environment of activities that the Plan permits, if it so wishes. This is the "permitted baseline" and can provide a yardstick for the effects that otherwise might arise.

A dwelling containing two self-contained housekeeping units on a Rural 2 zoned property is a permitted activity subject to the units being contained under the same roof with one of the units being no more than 60 square metres in floor area and clearly subsidiary to the main unit (as well as meeting bulk and location, and servicing requirements). The Plan does not restrict the building coverage for

dwellings in this zone, and other buildings can potentially cover up to 2,000 square metres.

The Plan specifically does not permit more than one residential activity per site, "residential activity" being defined as: *"the use of land and buildings by people for the purpose of living accommodation...but does not include workers accommodation."* "Workers accommodation" defined in the Plan is a collection of separate buildings with separate sleeping facilities from sanitary and eating facilities.

The proposal resulting in two separated fully self contained dwellings, will not produce same or similar effects on the environment when compared to what is permitted by the Plan.

Rural Character and Amenity Values

Allowing increased residential activity on this site adversely affects the character of the site with the physical existence of two dwellings and associated residential curtilage. It is acknowledged there are already rural-residential type properties in the area and the application site historically contained a small cottage and workers accommodation. The cottage and workers accommodation were located in a cluster at the north western corner of the site. The cottage was subsequently removed and replaced with a dwelling currently used by the farm manager. It is acknowledged that the proposal to construct a second dwelling and remove the worker accommodation will not increase the total number of residential activities on the site. However, to allow two quite separated dwellings will significantly affect the "openness" associated with the rural environment and greatly increase the potential for land fragmentation.

Amenity values, as defined in Section 2 of the Resource Management Act 1991, means:

"those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes."

The increase in height of approximately one metre is unlikely, on its own, to have adverse effects that are more than minor given that buildings up to 12.5 metres are potentially a controlled activity.

Traffic Effects

The two dwellings will be able to share an existing access to the house sites. The increased traffic movements may produce adverse effects on the roading network through the migration of gravel but this can be mitigated by upgrading the access where it meets the road.

Productive Land Values

The subject land is zoned Rural 2 but consists of a mix of Class E land covering approximately 15 hectares of the site and 9 hectares of Class B or highly productive land. As the largest percentage of zoned land in the district, Rural 2 Zone land is without a doubt a valued asset which must be sustainably used. Only a small proportion (about 5 per cent) of the Tasman District is land that has high productive

value. The Plan seeks to protect this finite soil resource from fragmentation and irreversible loss.

The area of highly productive land to be used by the second dwelling in this proposal is 0.85 hectares or 10 per cent of the Class B land which is considered to be a significant loss of productive land according to Council's Resource Scientist, Soils (see the full report attached as Appendix 2). Once two dwellings are established on-site an application for subdivision could follow to realise the capital value of the two dwellings. In addition the prospect of residential development may increase the value of other rural land in the vicinity to the extent that soil based productive activities are progressively rendered uneconomic. The potential for adverse cumulative effects of allowing additional residential activity in the Rural 2 Zone and/or allowing further fragmentation or loss of land based on the presence of two separated dwelling units may result in significant cumulative adverse effects on productive land values.

A covenant preventing the two dwellings being used as a reason to subdivide would help mitigate the future land fragmentation effect or cumulative fragmentation effects but will not prevent the loss of 10 per cent of the highly productive land.

Future Effects

Resource consents have allowed for additional dwellings on rural properties in general if they are subsidiary to the main dwelling and are located in an existing building curtilage, or on less productive land, used in relation to the productive land activities or used in conjunction with the main residential activity. The granting of this proposal allows for two substantial dwellings separated by approximately 450 metres. While the use of the existing dwelling is to be for a farm manager and hence related to the productivity of the land, the site selected for the second dwelling for the owners to be located away from the existing built areas that uses land not as workable as the selected paddock, is considered to have adverse effects that are more than minor. The cumulative effect of granting this type of proposal effectively opens up the whole Rural 2 zone to change in character and unsustainably diminishes the finite land resource.

5.2 Relevant Plans and Policy Statements.

The land use activity must be deemed to be consistent with relevant objectives and policies pursuant to Section 104 (1) (c) and (d) of the Act. The most relevant Plan is considered to be the Tasman Resource Management Plan and will be used in this assessment. Because this was developed to be consistent with the Regional Policy Statement, the assessment would also be considered satisfy an assessment under the Policy Statement.

The following summarises the most relevant plan matters and provides brief assessment commentary:

<i>Chapter 5 - Site Amenity Effects</i>	Council must ensure that the character and amenity values of the site and surrounding environment are protected, and any actual or potential effects of the proposed activities must be avoided remedied or mitigated, including cross boundary effects.
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<p><i>Objectives: 5.1, 5.2, and 5.3</i></p> <p><i>Policies: 5.1.1, 5.1.3, 5.1.4, 5.2.1, 5.2.6, 5.2.7, 5.2.8, 5.3.2, 5.3.3, 5.3.5.</i></p>	<p>As detailed in the assessment of effects (Chapter 5.1), there will be adverse effects on character and amenity values.</p>
<p><i>Chapter 7 – Rural Environment Effects</i></p>	<p>The rural land resource is sustained to meet the reasonably foreseeable needs of future generations. Rural land fragmentation reduces the productive potential of land and the establishment of dwellings on rural land may increase the value of other rural land in the vicinity to the extent that soil-based activities are progressively uneconomic.</p>
<p><i>Objectives: 7.1, 7.2, 7.3.</i></p> <p><i>Policies: 7.1.2, 7.1.2A, 7.2.1, 7.2.1A, 7.3.1, 7.3.3, 7.3.4, 7.3.9</i></p>	<p>Increased residential activities in rural locations may reduce the area of land available for soil-based production. Rural residential activities occur in specific locations to ensure the land resource is used efficiently, avoid reduced productive and versatility values of the land and avoid cross-boundary conflicts and land fragmentation.</p>
<p><i>Chapter 11 - Land Transport Effects</i></p> <p><i>Objective 11.1</i> <i>Policy 11.1.3.</i></p>	<p>Control of the design of vehicle accesses to roads so that the safety and efficiency of the road network is not adversely affected.</p>
<p><i>Chapter 16.2.2 – Vehicle Access Considerations</i></p>	<p>Permitted activity performance conditions that specify minimum standards for on-site access.</p>
<p><i>Chapter 17.5 – Rural 2 Zone Rules</i></p>	<p>The proposed activity is subject to permitted and restricted discretionary activity performance standards and conditions set out in Rules 17.5.2, 17.5.4 and 17.5.6.</p>

Chapter 5 *Site Amenity Effects* is concerned with the effects of land uses that cross property boundaries that may add to or detract from the use and enjoyment of neighbouring properties. They may also affect local character.

Objective 5.1.0 seeks to avoid, remedy or mitigate adverse effects from land use on the use and enjoyment of other land and on the qualities of natural and physical resources. Policies specify limiting the intensity of development where wastewater reticulation and treatment are unavailable and to avoid, remedy, or mitigate adverse effects of vehicles, buildings and glare.

Objective 5.2.0 seeks to maintain and enhance amenity values on-site and within communities. Policies include privacy issues, heritage features, enabling a variety of housing types and traffic adverse effects are avoided, remedied or mitigated.

Objective 5.3.0 seeks to maintain and enhance the special visual and aesthetic character of localities. Policies include maintaining the open space value of rural areas and to avoid, remedy or mitigate the adverse effects of the location, design and appearance of buildings.

The proposal seeks to establish a second dwelling in a small community. The building and its use may detract from the areas open rural character and a sense that privacy on other properties is compromised. Cumulative vehicle movements may conflict with the existing working rural environment and compromise the safety and efficiency of the roading network if the access is not upgraded. Policy 5.2.7 enables a variety of housing types in rural areas as long as the overall objectives of maintaining and enhancing amenity values can be achieved.

Chapter 7 *Rural Environment Effects* is concerned with sustaining the rural land resource to meet the reasonably foreseeable needs of future generations.

Objective 7.1.0 and its related policies seek to avoid the loss of productive land and avoid, remedy or mitigate adverse actual, potential and cumulative effects on the land resource.

Objective 7.2.0 and related policies seeks to provide for rural residential activities in restricted locations that avoid the loss of land of high productive value and have regard to the potential for cumulative adverse effects from further land fragmentation and efficient use of the rural land resource.

Objective 7.3.0 and related policies seek to avoid, remedy or mitigate the adverse effects of existing and potential future activities on rural character and amenity values. Aspects of openness, greenness and separation, style and scale of structures within the rural character are to be maintained and enhanced. Rural residential activities are to be excluded from rural areas that would have adverse effects on rural activities, health or amenity.

The proposal will compromise productive land use opportunities in the area, in that the second dwelling causes the loss of highly productive land and will potentially lead to land fragmentation. The dwelling and residential use detract from the existing rural character and amenity values, and rural residential intensification is not an efficient use of the rural land resource.

Chapter 11 *Land Transport Effects* seeks to ensure the safe and efficient provision of the road network. Policy 11.1.1 promotes the location of development so that adverse effects of traffic generation are avoided, remedied or mitigated and provides a distinct transition between the urban and rural environments.

It is considered that the proposal will increase vehicle movements to and from the site but the effect of this can be mitigated by upgrading the access.

In conclusion it is considered that the proposed activities are contrary to the policies and objectives of the Plan. The proposal diminishes the availability of the productive land resource and potential cumulative effects will have a significant impact on rural character and amenity.

5.3 Part II Matters

The proposed land use activities are considered to be inconsistent with the purpose and principles contained in Part II of the Resource Management Act.

Part II of the Act is concerned about sustaining resources to meet the needs of future generations, safeguarding the life-supporting capacity of soil and avoiding, remedying or mitigating adverse effects of activities on the environment (Section 5). To achieve this, Council shall have particular regard to the efficient use of resources, maintenance and enhancement of amenity values and quality of the environment and the finite characteristics of the soil resource (Section 7). As I have discussed earlier the proposal is not an efficient use of the land resource, will cumulatively adversely affect the amenity values of the area and it has the potential to lead to unsustainable land fragmentation of the finite soil resource.

It is considered that there are no conditions of consent that can make the proposal consistent with the Act's purpose of achieving the sustainable management of natural and physical resources for the proposed location of the second dwelling.

5.4 Matters of Discretion and Control in the Plan

The proposal is a discretionary activity in respect of two residential activities and two dwellings on one site in the Rural 2 zone. The following matters will be taken into consideration when assessing the application:

- the availability of productive land on the site including effects relating to the capitalisation of the site;
- servicing and traffic safety effects;
- effects on amenities and rural character of the area;
- the ability to mitigate any adverse effects of the extent and visual impact of buildings and privacy for neighbours including planting and landscaping;
- the potential for cross-boundary conflicts and nature of adjoining uses;
- the compatibility of the building with existing development; and
- financial contributions, bonds and covenants and administrative charges.

In consideration of these matters, the proposal adversely affects the availability of productive land and could cumulatively impact on the rural character and amenity that cannot be mitigated so that they are no more than minor.

5.5 Other Matters

Precedence and Cumulative Effects

Precedence in itself is not an "effect" but the subsequent approval of this proposal to lead to other similar applications from rural properties each wanting like treatment.

This can lead to a cumulative effect that is very much a relevant adverse effect under Section 3 (d) of the Act.

In resource management terms, the cumulative effect of establishing a pattern of consent decisions based on other applicants wanting similar outcomes can have adverse effects on significant resource management issues. The issue of "precedence" must be acknowledged in practical terms as giving rise to cumulative adverse effects:

- Applications for consent are lodged on the basis that consent to previous applications have been granted under like conditions; and
- Council can expect pressure to act consistently in its application of Plan objectives, policies, rules and assessment criterion. That is, Council is expected to be consistent in its decision-making.

There are no factors that make this application different from other properties:

1. There are a lot of Rural 2 zoned titles less than 50 hectares in size and many property owners wanting to house extended family members, workers or tourists on-site but accommodated separately from their own dwelling;
2. The site has a productive value and is located in a working rural environment with a mix of existing land uses and sizes;
3. There are many nearby properties that may not be able to clearly view the second dwelling on the site but could easily notice the effects of lights at night;
4. Many properties have historically had old farm houses and workers cottages but these are generally clustered together and small in scale. Replacing these with separated dwellings where one is not clearly subsidiary to the other produces very different effects on the environment; and
5. It is considered that the proposed development is likely to result in environmental outcomes that the Plan seeks to specifically locate in the Rural Residential Zone.

6. CONCLUSIONS

- 6.1 The proposal will result in the unsustainable loss of land that has high productive value.
- 6.2 Once the effects of two dwellings on a site are established the argument for subdivision and further residential activities in the area are strengthened due to the progressively decreasing productive land value and increasing capital value of the dwellings.
- 6.3 The effects of the two dwellings and two residential activities on the rural environment will be more than minor. The cumulative effects of allowing residential intensification in a rural area are significant and unsustainable.

- 6.4 The property does not have unique characteristics that would enable Council to approve the proposed activities without undermining the integrity of the Plan to achieve its environmental outcomes.
- 6.5 The policies and objectives of the Proposed Plan seek to ensure the use of the land does not adversely affect the character and amenity of the area and protect the rural land resource and associated permitted rural activities.
- 6.6 The Plan permits one dwelling to contain two separate fully self contained units in the Rural 2 zone. Consent may also be granted for workers accommodation that has facilities in separate buildings and are relocatable and located on a site of at least 50 hectares to avoid two distinctly separate residential activities that will unnecessarily cause the loss of productive land, increase the capital value of the land and potentially lead to land fragmentation.
- 6.7 It is considered that this proposal, at this particular location, is contrary to the policies and objectives of the Plan and is inconsistent with the Act's purpose of achieving the sustainable management of natural and physical resources. The adverse effects on the environment will be more than minor. Therefore the application should be declined under Section 104B of the Resource Management Act 1991.

7. RECOMMENDATION

That pursuant to Section 104B of the Resource Management Act, I recommend the application to erect a second dwelling on Lot 1 DP 12982 be declined.

8. CONDITIONS

If the Committee grant the application, I recommend the following conditions be imposed:

General

1. The second dwelling and associated water storage tanks shall be sited in accordance with the application documents and plan attached to this consent labelled RM 080605 Plan A and dated 2008.

Covenants

2. Prior to any building consent being issued for the second dwelling, a covenant under Section 108 of the Resource Management Act 1991 shall be entered into and registered against the certificate of title for the land on which the second dwelling is to be located. The covenant must state that:
 - a) The dwelling that is not the main dwelling on the property is for the use of workers accommodation and shall be relocated off the property when no longer used for the stated purpose; and
 - b) The two dwelling status shall not provide a basis for future subdivision of the title unless the Tasman Resource Management Plan provisions are changed and subdivision becomes a controlled activity.

The covenant shall be entered into pursuant to Section 108(2)(d) of the Act and shall be registered against the title pursuant to Section 109 of the Act. All costs incurred in preparing and registering the covenant shall be paid for by the consent holder.

Height of Dwelling

3. No part of the dwelling shall exceed 8.5 metres in height when measured from the natural existing ground level.

Amenity

4. The exterior of the dwelling shall be finished in colours that are recessive and which blend in with the immediate environment. The Consent Holder shall submit to the Council for approval prior to the issue of the building consent for each dwelling the following details of the colours proposed to be used on the walls and roof of the dwelling:
 - i) The material to be used (e.g. paint, colour steel);
 - ii) The name and manufacturer of the product or paint;
 - iii) The reflectance value of the colour;
 - iv) The proposed finish (e.g. matt, low-gloss, gloss); and
 - v) Either the BS5252:1976 (British Standard Framework for Colour Coordination for Building Purposes) descriptor code, or if this is not available, a sample colour chip.

The dwellings shall be finished in colours that have been approved by the Council (see notation 5 below).

Occupancy of Existing Worker Accommodation

5. The existing worker accommodation shall be removed within three months of the occupation of the new dwelling.

Access

6. The applicants shall seal the access from the existing road edge to a minimum of 10 metres on-site prior to the Code Compliance Certificate being issued for the dwelling.
7. The on-site access to the dwelling that is not sealed shall be maintained to an all weather standard and watered down if necessary to ensure nearby properties do not experience any resulting dust problems.

Iwi Monitor

8. The Consent Holder shall engage the services of a representative of Tiakina te Taiao Limited to be present during any earthworks. The Consent Holder shall contact Tiakina te Taiao Limited, PO Box 1666, Nelson (phone (03) 546 7842) at least five working days prior to commencing any earthworks and advise it of the commencement date of the earthworks. In the event of Maori archaeological sites (eg shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder shall then consult with the New Zealand Historic Places Trust's Central Regional Office (PO Box 19173 Wellington, phone (04) 801 5088, fax (04) 802 5180), and shall not recommence works in the area of the discovery until the relevant Historic Places Trust approvals to damage, destroy or modify such sites have been obtained.

New Zealand Historic Places Trust Assessment

9. The Consent Holder shall commission a professional archaeological assessment of the site and this report shall be submitted for approval by NZHPT prior to building consent for the dwelling being issued. This assessment is required to identify any archaeological sites in the area affected by the proposal and ways that the effects of the proposal can avoid, remedy or mitigate any adverse effects on known or unknown archaeological sites. The results of the consultation with NZHPT shall also be submitted to Council's Manager Resource Consents prior to any building consent being issued.

Advice Note:

The archaeological assessment will provide an indication as to whether or not an archaeological authority from the NZHPT would be required to undertake the proposed activity on the site

Financial Contribution

10. The Consent Holder shall, no later than the time of uplifting the building consent for the second dwelling, pay a financial contribution to the Council. The amount of the financial contribution shall be assessed as a percentage of the value of the building consent component in accordance with the following:

Financial Contribution – Building	
Component	Contribution
Building Consent (\$0 to \$50,000 value)	0%
Building Consent (\$50,001 to \$200,000 value)	0.5%
Building Consent (above \$200,001 value)	0.25%

Notes:

1. The financial contribution is GST inclusive.
2. The building consent value is GST exclusive.
3. The financial contribution is for reserves and community services where a development contribution has been required for infrastructure services under Council's Development Contributions Policy in its Long Term Council Community Plan prepared under the Local Government Act. Where this has not been required, the financial contribution is double the percentage contribution shown in the figure and is divided evenly between infrastructure services and reserves and community services.
4. The contribution due on a building should be identified separately from other contributions set for any resource consent for an activity that includes buildings.

Advice Notes:

Council Regulations

1. The Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

Tasman Resource Management Plan

2. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP); 2 be allowed by the Resource Management Act; or 3) be authorised by separate resource consent.

Consent Holder

3. This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “Consent Holder” in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.

Interests Registered on Property Title

4. The Consent Holder should note that this resource consent does not override any registered interest on the property title.

Colours

5. As a guide, the Council will generally approve colours meet the following criteria:

Colour Group*	Walls	Roofs
Group A	A05 to A14	A09 to A14
Group B	B19 to B29	B23 to B29
Group C	C35 to C40	C37 to C40
Group D	D43 to D45	Generally excluded
Group E	Generally excluded	Generally excluded
Reflectance Value	≤50%	≤25%
Finish	Matt or Low-gloss	Matt or Low-gloss

Based on BS5252:1976 (British Standard Framework for Colour Coordination for Building Purposes). Where a BS5252 descriptor code is not available, the Council will compare the sample colour chip provided with known BS5252 colours to assess appropriateness.

Development Contributions

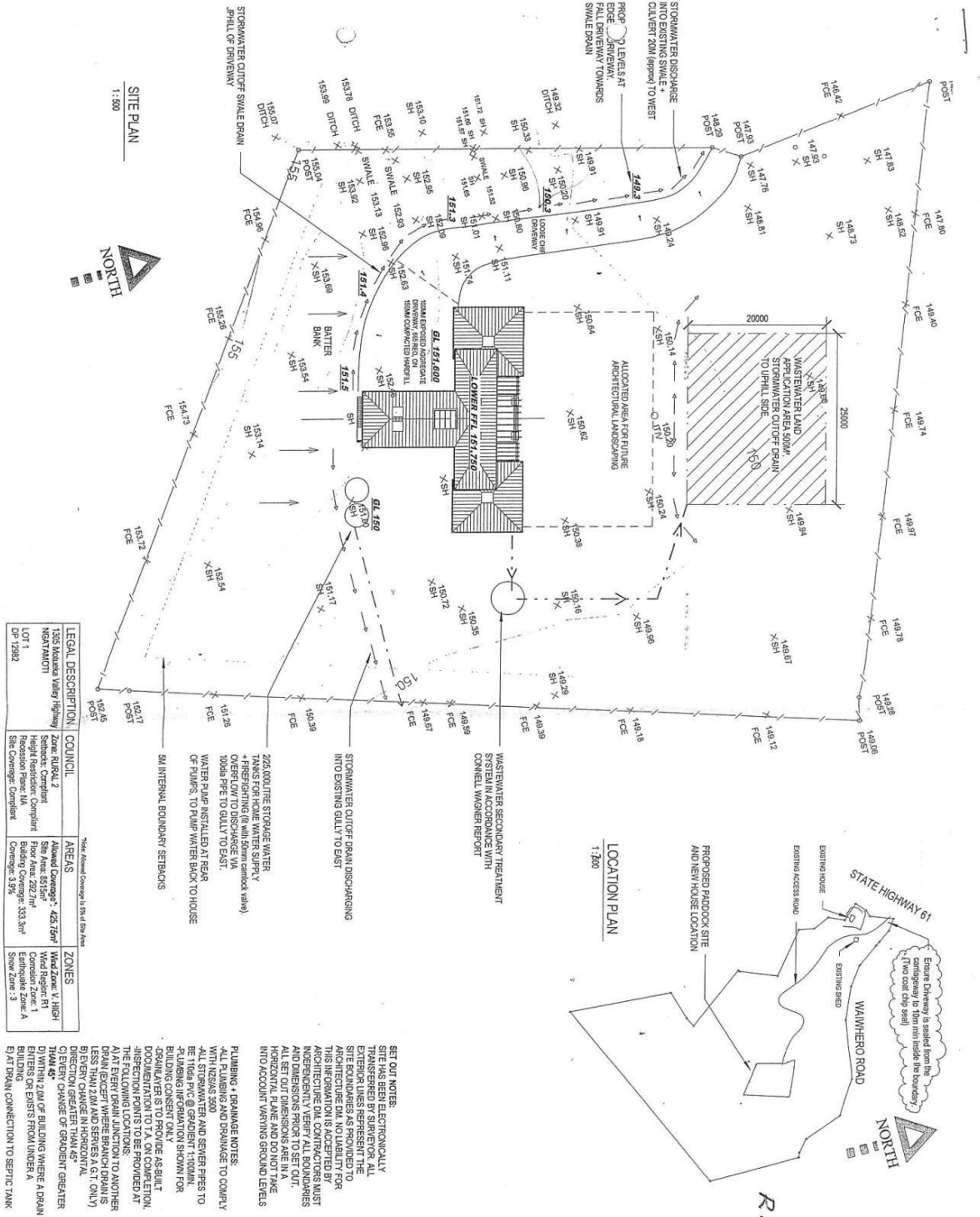
6. The Consent Holder is liable to pay a development contribution in accordance with the Development Contributions Policy found in the Long Term Council Community Plan (LTCCP). The amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid.

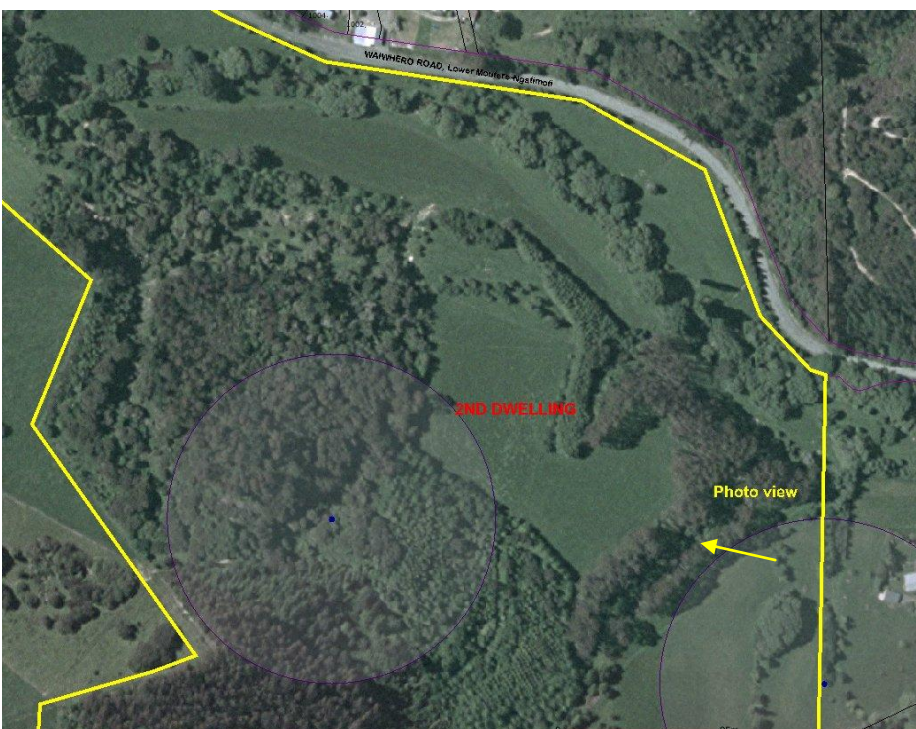
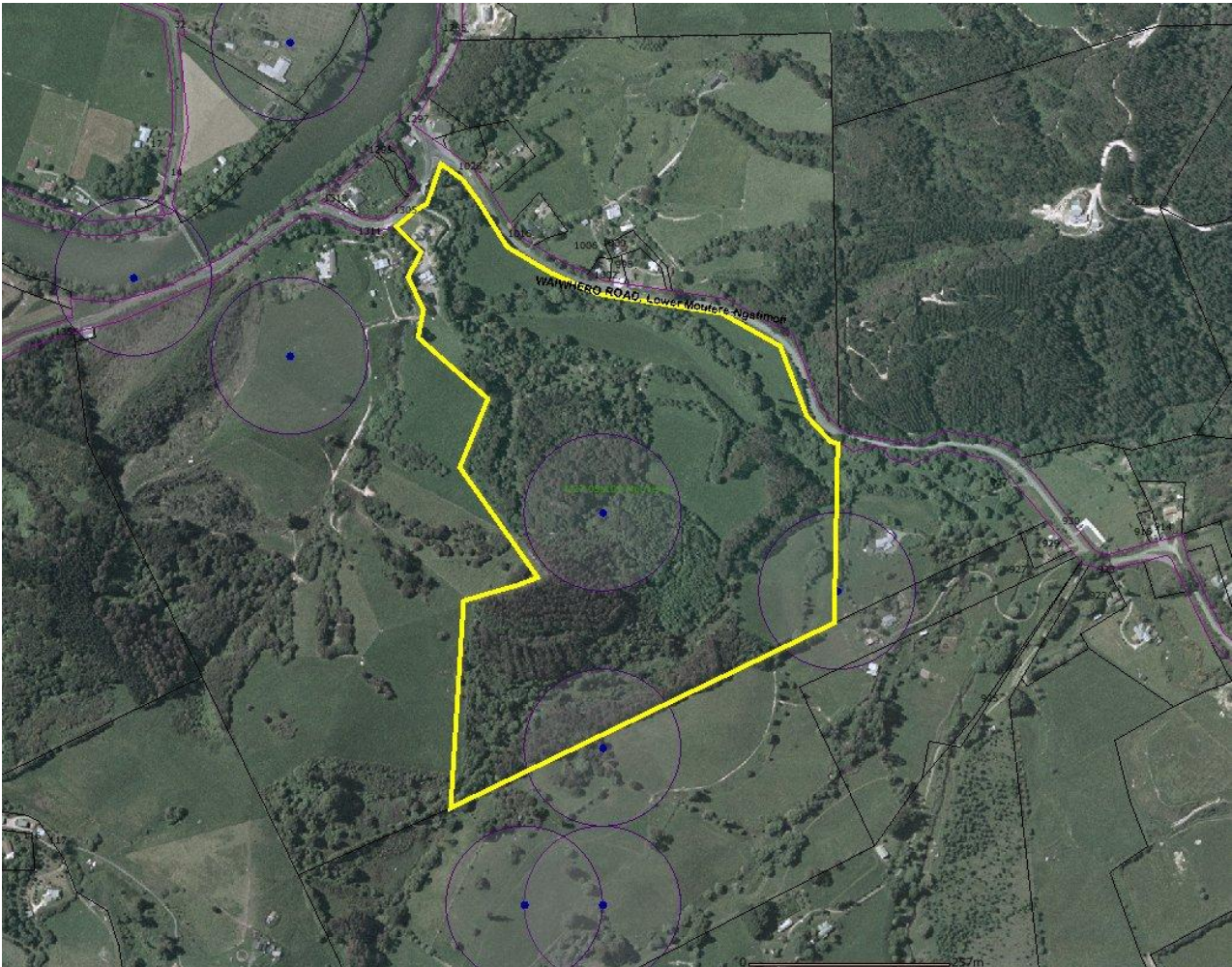
Council will not issue a Code Compliance Certificate until all development contributions have been paid in accordance with Council's Development Contributions Policy under the Local Government Act 2002.

Monitoring

7. Monitoring of this resource consent will be undertaken by the Council as provided for by section 35 of the Act and a one-off fee has already been charged for this monitoring. Should the monitoring costs exceed this fee, the Council reserves the right to recover these additional costs from the Consent Holder. Costs can be minimised by consistently complying with conditions, thereby reducing the necessity and/or frequency of Council staff visits.

Janne Shaw
Consent Planner Land Use





Soil and Land Productivity Report

RM080605, Clive and Barbara Mercer

The application area is situated at the confluence of the Orinoco and Motueka River. It comprises of river flats and hill country, in total covering approximately 25 hectares.

The alluvial flats are generally separated into two distinct terraces. The lowest level adjacent and dissected by the Orinoco River is mapped as having Sherry sand and sandy loam soils. These soils are recent alluvial soils that are derived mainly from granite outwash and have been mapped in the Motueka Valley from the Motueka Plains through to the Sherry catchment. They are versatile soils and have a land productivity rating¹ throughout the district as A or B. On the application area they will have the lower rating of B due, primarily to the climate and the flood prone nature of the area. According to Council records these flats were flooded in the 1983 and 1986 storm events.

On the higher terrace Graham silt loam soils are found. These are also alluvial soils derived from granite outwash and are similar to the Sherry soils but because the Graham soils are older they will have a stronger soil structure. They are not prone to flooding but drainage of the soils can be variable due to subsurface drainage influences from the adjacent hills. The Graham soils also have a land productivity rating¹ of B. A small area of Orinoco silt loam borders the Graham soils in the south eastern corner. These soils are formed on granodiorite and diorite and found on easy rolling country. They are deep friable soils with strongly developed stable aggregates and have moderate fertility.

The B classification for the Sherry, Graham and Orinoco soils indicate that they are versatile and can be used for a wide variety of land based uses. Climate is not limiting but some limitations exist that reduce the range of crops that could be grown when compared to class A land. The current land use of these soils on the application area is predominantly grazing. Approximately 9 hectares of class B land exist on the application area

The rest of the application area is classed as hill country. The majority of it is mapped as having Orinoco hill soils. These are silt loams found on moderately steep slopes. Their fertility is moderate, soil structure is strong and erosion potential is low. They have a class E land productivity rating¹ indicating that the land has low versatility. This is primarily due to the steepness of the land which simply inhibits intensive use. This class E land also includes the steep terrace scarps. The vegetation cover on the class E land in the application area includes production forestry, amenity trees, native bush and scrub. The area covers approximately 15 hectares. Potential uses for class E land include intensive and extensive pastoral and production forestry.

The application is for the development of a second house site, covering 0.85 hectares. The site is situated on the high terrace on class B land. Effectively the development of this site will exclude this area from the productive area of the property. The proposed site takes up a substantial part of an existing paddock and there is a possibility that it could compromise the use of the remaining area of the existing paddock. The 0.85 hectares represents nearly 10% of the class B land available on the property.

Report by:
Andrew Burton
Resource Scientist (land)

28 October 2008.

Appendix 2(a)

¹ Classification System for Productive Land in the Tasman District. Report prepared for Tasman District Council by Agriculture New Zealand, December 1994.

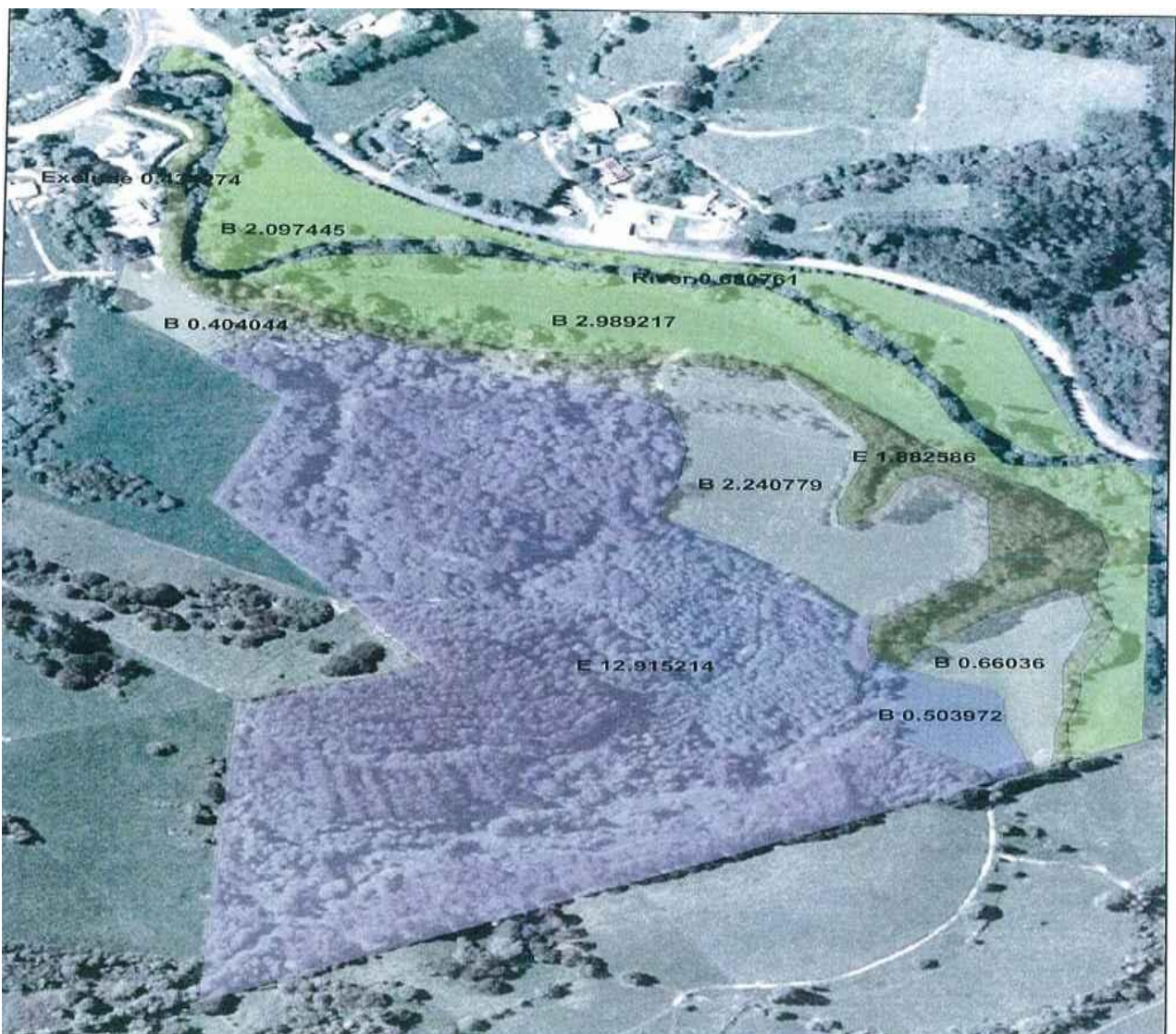


Photo taken from location identified in Appendix 1 above



Existing access



Existing house for farm manager



Existing workers' accommodation to be removed

